

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: NOVEMBER 29, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

**VAR-24820 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: GIL MARTINEZ** - Request for a Variance TO ALLOW AN EXISTING CARPORT 8.5 FEET FROM THE FRONT PROPERTY LINE WHERE 20 FEET IS THE MINIMUM REQUIRED on 0.14 acres at 1821 Walnut Avenue (APN 139-35-510-080), R-1 (Single Family Residential) Zone, Ward 3 (Reese)

**P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**0**

**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**2**

**City Council Meeting**

**0**

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after final agenda – Support postcards

Motion made by GLENN TROWBRIDGE to Deny

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, DAVID STEINMAN, STEVEN EVANS, BYRON GOYNES, RICHARD TRUESDELL, SAM DUNNAM; (Against-LEO DAVENPORT); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open.

STEVE SWANTON, Planning and Development Department, recommended denial as the request was a self-imposed hardship and the carport had been constructed without permits.

GIL MARTINEZ was present. He explained he had built the carport to shade his vehicle and requested approval.

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MR. MARTINEZ informed COMMISSIONER GOYNES that he had obtained a permit before he built the structure.

PROFESSOR BROOKS, 1908 Linden Avenue, expressed his opposition, stating the structure was in violation of the fire code.

MARGO WHEELER, Director of the Planning and Development Department, clarified that a permit had been granted for a patio cover, but that is not what the applicant built. She explained that he had been cited by Code Enforcement and further action would depend on the Commissioners' decision on this application.

DEPUTY CITY ATTORNEY JAMES LEWIS informed COMMISSIONER TROWBRIDGE that the applicant's permit issue had not been resolved. COMMISSIONER TROWBRIDGE suggested that the applicant had acted in good faith, believing he had complied with the City's building regulations.

COMMISSIONER EVANS emphasized the importance of public safety and expressed his concern with carports erected without permits. He encouraged staff to avoid this kind of confusion in the future.

MR. SWANTON informed CHAIRMAN DAVENPORT that the carport met the side setback requirements, but protruded into the front yard setback.

In response to COMMISSIONER EVANS' question, GINA VENGLASS, Public Works Department, stated that a motorized gate was not required for this property.

COMMISSIONER DUNNAM observed that from a public safety standpoint, this project would not meet the Code.

DEPUTY CITY ATTORNEY LEWIS assured the Commissioners that even if the variance was granted, the structure would still have to meet the Building Code.

COMMISSIONER STEINMAN stated that the applicant's approach was wrong and observed that the carport was very different from rest of neighborhood.

COMMISSIONER TROWBRIDGE stated he could not support the request as he felt the applicant had misled the City in his intentions regarding this structure. DOUG RANKIN, Planning and Development Department, confirmed that the applicant had built the structure without permits and stated the applicant had pulled a permit for a different structure in order to satisfy Code Enforcement.

COMMISSIONER GOYNES asked MR. MARTINEZ to clean up the trash adjacent to his property and MR. MARTINEZ agreed.

CHAIRMAN DAVENPORT declared the Public Hearing closed.